

EXHIBIT 14

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UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA
CIVIL ACTION NO. 99CV2668 H (AJB)

GEN-PROBE, INCORPORATED

Plaintiff

v.

VYSIS, INC.

Defendant

Deposition of Alan E. Smith, Ph.D.

Thursday, May 17, 2001

Genzyme Corporation

One Kendall Square

Cambridge, Massachusetts

Reporter: Deborah Roth, RPR

:01:07

1

A. I don't specifically recall seeing it

:01:07

2

before.

:01:08

3

Q. Did you generally receive, either prior to

:01:11

4

or at the meeting of the management committee or the

:01:14

5

partnership committee, a copy of an agenda?

:01:19

6

A. I don't recall.

:01:26

7

Q. On the first page of Exhibit 53 there's a

:01:30

8

list of topics and Topic No. 7 is patent strategy,

:01:34

9

with a presentation to be made by Dr. James

:01:37

10

Richards. Do you see that?

:01:38

11

A. Yes.

:01:39

12

Q. Can you recall Dr. Richards giving

:01:41

13

presentations on patents to the management committee

:01:44

14

or the partnership committee of Gene-Trak?

:01:51

15

A. Do I remember generally? Generally, yes.

:01:56

16

Q. Do you remember that Dr. Richards was

:01:59

17

Gene-Trak's director of business development and

:02:02

18

licensing?

:02:02

19

A. Yes.

:02:20

20

Q. Did Dr. Richards, when he made presentations

:02:23

21

on patents to the partnership committee, appear

:02:26

22

knowledgeable with respect to the technology he

:02:27

23

discussed?

:02:34

24

A. Did he appear knowledgeable? I think the

02:36 1 answer is yes.

02:36 2 Q. I'm sorry?

02:37 3 A. He appeared knowledgeable. My recollection
02:40 4 is that he appeared knowledgeable.

02:42 5 Q. Did he seem to have an understanding of
02:45 6 nucleic acid hybridization technologies, to you?

02:48 7 A. To me at the time?

02:49 8 Q. Yes.

02:50 9 A. Yes.

03:04 10 Q. I would like you to look at what has been
03:07 11 previously marked as Exhibit 56, which appears to be
03:12 12 an agenda for a partnership committee meeting on
03:14 13 June 11, 1987.

03:17 14 would you look at that agenda so that
03:20 15 you can tell me whether or not you've seen it
03:23 16 before.

04:04 17 A. I don't specifically remember seeing this
04:06 18 before.

04:09 19 Q. Do you think it's likely that you received a
04:11 20 copy of Exhibit 56 in June 1987?

04:15 21 MR. LIPSEY: I object to the form.

04:19 22 A. I don't recall.

04:23 23 Q. I would like you to look on the first page
04:25 24 of Exhibit 56. Topic 3 under the sub-heading